



RULE-MAKING ORDER

CR-103P (May 2009)
(Implements RCW 34.05.360)

Agency: Agriculture

Permanent Rule Only

Effective date of rule:

Permanent Rules

☒ 31 days after filing.

☐ Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

☐ Yes

☒ No

If Yes, explain:

Purpose: The US National Organic Program was amended in October 2008. The current WAC 16-157-020 adopts the September 11, 2006 version of the National Organic Program and needs to be updated. The rule-making adopts the most current version of the National Organic Program dated October 9, 2008.

Citation of existing rules affected by this order:

Repealed:

Amended:

Suspended:

Statutory authority for adoption: Chapter 15.86 RCW

Other authority : Chapter 34.05 RCW

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 09-11-034 on May 11, 2009 (date).

Describe any changes other than editing from proposed to adopted version:

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

Date adopted: July 21, 2009

CODE REVISER USE ONLY

NAME (TYPE OR PRINT)

Dan Newhouse

SIGNATURE

TITLE

Director

(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	<u>0</u>	Amended	0	Repealed	<u>0</u>
Federal rules or standards:	New	<u>0</u>	Amended	<u>1</u>	Repealed	<u>0</u>
Recently enacted state statutes:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>

The number of sections adopted at the request of a nongovernmental entity:

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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The number of sections adopted in the agency's own initiative:

New	<u>0</u>	Amended	<u>1</u>	Repealed	<u>0</u>
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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The number of sections adopted using:

Negotiated rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Pilot rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Other alternative rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>

AMENDATORY SECTION (Amending WSR 06-23-108, filed 11/17/06, effective 12/18/06)

WAC 16-157-020 Adoption of the National Organic Program. The Washington state department of agriculture adopts the standards of the National Organic Program, 7 CFR Part 205, effective ((~~September 11, 2006~~)) October 9, 2008, for the production and handling of organic crops, livestock, and processed food products. The National Organic Program rules may be obtained from the department.

BRIEFING MEMO

WAC CHAPTER BEING AMENDED: WAC 16-157-020

SPECIFIC STATUTORY AUTHORITY: RCW 15.86.060

DEPUTY DIRECTOR SIGNATURE AND DATE:

[Signature] 5/2/09

DIRECTOR SIGNATURE AND DATE:
(Required for controversial issues)

1. Is this an emergency rule?

Yes ☐ No ☒

2. Is this rule creation, amendment, or repeal the result of a petition for rulemaking?
(If yes, please attach a copy of the petition for rulemaking.)

Yes ☐ No ☒

3. Does this rulemaking project establish new fees or increase existing fees?

Yes ☐ No ☒

4. Have you completed a small business economic impact analysis?
(If yes, please attach a copy of the small business economic impact analysis.)

Yes ☐ No ☒ If not, please explain why:

This rule making is exempt because the rule adopts without material change the National Organic Program Standards and meets the exemption under RCW 19.85.025(2). The small business economic impact analysis is not required for a rule proposed for expedited adoption under RCW 34.05.230 (1) through (8), unless a written objection is timely filed with the agency and the objection is not withdrawn.

5. Please discuss the costs associated with the rulemaking that would affect private citizens or regulated industry, and whether the costs are considered more than minor.
There would not be any increase in costs to the regulated industry due to this rule making. The changes to the standards address the use of specific materials. Organic producers and handlers must comply with the 'National List of Materials' that is embedded with the National Organic Standards.

6. Is this rulemaking project controversial?

Yes ☐ No ☒

7. If this is a controversial rulemaking project, please discuss the reasons why. N/A

8. Please discuss the origin of the rule creation, amendment, or repeal and any background issues leading to this rulemaking project. This rule is being initiated by the Organic Food Program to adopt current organic certification standards.

9. Discuss the need and benefits of the rule, if adopted, and the problems if the rule is not adopted. The current version needs to be adopted so that Washington producers and handlers operate in compliance with the most current version of the National Organic Program. In addition adopting the current rule is necessary for WSDA to maintain its accreditation with the National Organic Program.

10. List other governmental agencies with overlapping jurisdiction or similar regulatory authority. None

11. Discuss consultation or coordination with other governmental jurisdictions or state agencies with overlapping regulatory authority. N/A

12. Please discuss stakeholder work and how you intend to involve them in the rulemaking process. Adoption of this rule will be discussed with the Organic Advisory Board and will be published in the program's quarterly newsletter.

13. Do you plan on distributing a fact sheet or news release?

Yes ☐ No ☒

14. If yes, have you involved the public information officer or communications director?

Yes ☐ No ☐